

## TWENTY-SIXTH DAY.

SENATE CHAMBER, )  
AUSTIN, TEXAS, February 8, 1883. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Houston, the reading of the journal of yesterday was dispensed with, and the same adopted.

On motion of Senator Johnston of Shelby, the morning call was suspended to take up the message of the Governor, which was read by the Secretary.

EXECUTIVE OFFICE,  
AUSTIN, February 8, 1883.

To the Senate and House of Representatives, State of Texas:

GENTLEMEN:—It becomes my painful duty to inform your honorable bodies of the death of Governor E. J. Davis.

He departed this life at his home in this city, about noon yesterday.

I respectfully suggest such action by your honorable bodies as will testify our respect for the distinguished dead.

Very respectfully,

JOHN IRELAND,  
Governor State of Texas.

Senator Terrell offered the following resolution.

*Resolved*, That the Senate of the State of Texas, in respect for the memory of Edmund J. Davis, once Governor of Texas, do now stand adjourned until to-morrow morning at 10 o'clock.

Adopted unanimously, and Senate adjourned until to-morrow morning at 10 o'clock.

## TWENTY-SEVENTH DAY.

SENATE CHAMBER, )  
AUSTIN, TEXAS, February 9, 1883. }

The Senate met pursuant to adjournment.

Hon. A. W. Houston, President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg, the reading of the journal of yesterday was dispensed with, and the same adopted.

On motion of Senator Farrar, Senator Getzendaner was excused for the day, on account of sickness.

On motion of Senator Stratton, Senator Fleming was excused till next Wednesday, on account of important business.

On motion of Senator Kleberg, Senator Chesley was excused till next Wednesday, on account of important business.

On motion of Senator Davis, the Senate postmaster was excused for the day, on account of sickness.

On motion of Senator Fowler, Senator Perry was excused for the day, on account of sickness.

Senator Evans presented a petition of citizens of Fannin county, asking for a constitutional amendment prohibiting the importation and sale of intoxicating liquors as a beverage.

Referred to Committee on Constitutional Amendments.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 220, entitled "An act to amend the first section of an act entitled 'an act for the relief of persons, firms, or associations of per-

sons who have procured license and complied with the law authorizing them to pursue the occupation of liquor dealers, where they have been or may be prevented from pursuing such occupation on account of the adoption of local option, and to make an appropriation therefor," have carefully examined the same and instruct me to report the same back with the recommendation that it do pass.

This act is necessary, because, while the act of which it is amendatory was intended for the relief of liquor dealers who had operated under the "bell punch," it is so construed by the Comptroller as to include within its benefits only those who had taken out license, and excluding those who had operated under the "bell punch." The appropriation in the original act is not increased by this amendatory act.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 9, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 218, entitled "An act to amend articles 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 25, 1879," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the amendment adding the county of Burleson to the article 1007, in the proper place, and striking out the same in article 1008.

The purpose of this bill is to make appeals and writs of error from the counties of Washington and Burleson returnable to Galveston, instead of to Austin, as now provided—the change being made at the request of the bar of the two counties.

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

Senator Johnston of Shelby, chairman of Committee on Penitentiaries, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Penitentiaries, to whom was referred Senate bill No. 15, a bill to be entitled "An act establishing a reformatory farm for the confinement, reform and utilization of convicts under the age of twenty years," have carefully considered the same, and instruct me to report it back to the Senate and recommend that it do pass, with the following amendments, to-wit:

1. In section 1, line 3, strike out all after the words "be located" down to and including "longitude," the last word in line 4, and inserting in lieu thereof, "by the penitentiary board at such place as it may deem best."

2. In line 1, of section 4, strike out "twenty" and insert "eighteen," and in line 5, of section 4, strike out "twenty" and insert "eighteen;" and in line 1, section 4, strike out "three" and insert "five."

3. In line 13, section 5, after word "removed," insert the words, "by the board."

4. After the word "board," in line 25, section 9, insert "or some member thereof."

5. In line 32, section 11, strike out "a carpenter, blacksmith and shoe shop," and insert in lieu thereof, "such mechanical workshops as may be profitable."

6. In line 3, section 12, strike out "one hundred and twenty-five," and substitute therefor "seventy-five."

All of which is respectfully submitted.

JOHNSTON, Chairman.

Bill read first time.

Senator Jones, chairman of Committee on Insurance, Statistics and History, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Insurance, Statistics and History, to whom was referred the communication of J. K. Holland, in which he proposes to sell to the State a collection of books, numbering in all about twenty volumes, and claimed to be of great historical value, have had the same under consideration, and instruct me to report the same back with the recommendation that the Commissioner of Insurance, Statistics and History be authorized to purchase said books for the State, at a price not to exceed five hundred dollars (\$500), if, in his judgment, they cannot be gotten elsewhere and for a less cost, and if, in his judgment, the same are of sufficient historical and statistical value to justify the purchase. Five volumes of the books were before the committee as samples, and were found to

be well bound and well preserved. I am further instructed by the committee to report the accompanying joint resolution, authorizing the purchase of said books in the manner hereinafter indicated.

All of which is respectfully submitted.

JONES, Chairman.

Resolution read first time.

Senator Houston, for Committee on Constitutional Amendments, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 24, amending section 6, article 7, of the Constitution of the State of Texas, have carefully examined the same, and instruct me to report the same back with the recommendation that it lie on the table, for the reason that there is another resolution before the Senate covering the same ground.

All of which is respectfully submitted.

HOUSTON, for Committee.

Resolution read first time.

COMMITTEE ROOM,  
AUSTIN, February 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 22, requiring the Governor to submit all constitutional amendments passed by the Eighteenth Legislature to a vote of the people, and fixing the time at which the election shall be held, have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass, with the following amendments: Insert "first Tuesday in August" as the date for the election; and add to section 1 the words "unless a different time is fixed in the amendment to be submitted."

All of which is respectfully submitted.

HOUSTON, for Committee.

Resolution read first time.

COMMITTEE ROOM,  
AUSTIN, February 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 27, amending section 1, of article 6, of the Constitution of Texas, so as to prohibit those who fail to pay a poll tax for the benefit of the public free schools from voting at any election have carefully examined the same, and a majority of your committee instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON, for Committee.

Resolution read first time.

COMMITTEE ROOM,  
AUSTIN, February 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 29, amending section 24, article 3, of the Constitution, have carefully examined the same, and a majority of your committee instruct me to report the same back with the recommendation that it do pass, with the following amendment:

Strike out the words "except the first session held under this Constitution, when they may receive not exceeding five dollars per day for the first ninety days."

All of which is respectfully submitted.

HOUSTON, for Committee.

Resolution read first time.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 9, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 135, being "An act to create the land districts of Mitchell and Howard."

Also, substitute Senate bill No. 183, being "An act to amend 'an act to create a commission of arbitration and award, and to define the powers and duties thereof, and to make an appropriation to pay the salaries of the judges thereof, approved February 9, 1881.'"

Also, substitute Senate bill No. 41, being "An act to provide for the payment of fees to county judges, justices of the peace, sheriffs, constables district and county attorneys and district clerks, for services rendered in certain felony cases."

Also, Senate joint resolution No. 31, making "an appropriation

to fit up and furnish the Executive office;" and find the same correctly engrossed.

MARTIN, Chairman.

Senator Matlock introduced a bill entitled "An act to amend article 860 of the Revised Civil Statutes of the State of Texas, and to define the boundaries of Montague county."

Referred to Committee on Counties and County Boundaries.

Senator Gooch introduced a bill entitled "An act to regulate the conduct of dogs, and prescribe the duties of officers and the public and the liabilities of the owners relating thereto."

Referred to Judiciary Committee No. 2.

The following message was received from the House:

Mr. President:

I am instructed to inform your honorable body that the House has adopted Senate substitute for House concurrent resolution providing for joint committee to visit the Alamo and the graves of Fannin's men, and has appointed on said committee, on the part of the House, the following members, viz.: Messrs. Townsend, Merriwether and Armistead.

J. W. BOOTH, Chief Clerk.

The President gave notice of signing the following bills, to-wit:

Senate bill No. 58, "An act to diminish the civil jurisdiction of the county court of Morris county, and to conform the jurisdiction of the district court of said county to such change."

Senate bill No. 81, "An act to prevent certain officers, their deputies and employees, from purchasing property at tax sales."

Senate bill No. 34, "An act to amend article 240, title 8, chapter 6, of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed February 21, 1879."

Substitute for House bills Nos. 95 and 190, "An act to provide for the purchase of a site for and the establishment, location and construction of a branch asylum in North Texas for the care and treatment of the insane, and to make an appropriation therefor," being special order for this hour, was taken up and read second time.

Senator Harris offered the following amendment:

Strike out "200," in last line of section 2, and insert "600."

Adopted.

Senator Traylor offered the following amendment:

Amend section 2, by adding: "And near and convenient to Mineral Wells, Palo Pinto county, if practicable, under the instructions contained in section 2 of this act, relating to building material, fuel, water supply, drainage, healthfulness, and fertility of soil; provided, the commissioners to select the site can purchase not less than six hundred, nor more than two thousand acres of suitable land, as they may deem best, at a price not to exceed six dollars per acre."

Senator Terrell moved to strike out the word "practicable" and insert instead "preferable."

Accepted, and amendment, as amended, adopted by the following vote:

YEAS—17.

Collins,  
Cooper,  
Fowler,  
Gibbs,  
Gooch,  
Harris,

Jones,  
King,  
Kleberg,  
Matlock,  
Peacock,  
Pope,

Randolph,  
Shannon,  
Stratton,  
Terrell,  
Traylor.

NAYS—7.

Davis,  
Evans,  
Houston,

Johnson of Collin, Martin,  
Johnston of Shelby, Patton.

Senators Farrar and Fleming were paired on this amendment. The former would have voted "no," and the latter would have voted "aye."

Bill passed to third reading.

On motion of Senator Davis, the rules were suspended to put the bill on its third reading, by the following vote:

YEAS—24.

Collins,	Harris,	Patton,
Cooper,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Jones,	Randolph,
Farrar,	King,	Shannon,
Fowler,	Kleberg,	Stratton,
Gibbs,	Martin,	Terrell,
Gooch,	Matlock,	Traylor.

NAYS—1.

Johnston of Shelby.

Bill read third time, and passed by the following vote:

YEAS—24.

Collins,	Harris,	Patton,
Cooper,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Jones,	Randolph,
Farrar,	King,	Shannon,
Fowler,	Kleberg,	Stratton,
Gibbs,	Martin,	Terrell,
Gooch,	Matlock,	Traylor.

NAYS—1.

Johnston of Shelby.

A message was received from the House announcing the passage of Senate bill No. 13, "An act to amend articles 669 and 670, of the Code of Criminal Procedure."

Senate bill No. 30, "An act to amend article 1000, of chapter 1, title 13, of the second section of 'an act to adopt and establish a Penal Code of Criminal Procedure for the State of Texas,' passed February 21, 1879," with amendment.

And Senate bill No. 33, "An act to amend article 800, chapter 3, title 9, of the second section of 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed February 21, 1879."

On motion of Senator Pope, Senator Pfeuffer was excused for the day, on account of important business.

On motion of Senator Stratton, Senate bill No. 126 (quarantine bill), was taken up out of its regular order, and made special order for Monday next, after the morning call, and from day to day till disposed of.

Senate bill No. 56, "An act to amend article 1083, of the Code of Criminal Procedure of the State of Texas," was taken up, with House amendment.

On motion of Senator Harris, the House amendment was concurred in by the Senate.

Senate bill No. 140, "An act to amend article 1135, chapter 1, title 28, of the Revised Civil Statutes," was taken up with House amendment, and, upon motion of Senator Gooch, House amendment concurred in.

The President referred substitute House joint resolution No. 5, "Granting leave of absence to certain district and county judges of the State of Texas," to Judiciary Committee No. 2.

Committee substitute for Senate bills Nos. 23, 59, 67, 124 and 154 was taken up as special order for this hour, being the bill relating to the sale of the alternate sections of school lands.

Senator Peacock moved to postpone consideration of the bill, and make it the special order for Wednesday next, and from day to day until disposed of.

Senator Matlock moved to amend by making it second special order for Monday instead of Wednesday.

Adopted, and bill made second special order for Monday next, and from day to day.

Senator Gooch moved to suspend rules to take up House concurrent resolution with reference to "land frauds."

Adopted.

Resolution taken up and read second time.

Report of committee adopted and bill lost.

On motion of Senator Johnson of Collin, regular order of business was suspended and Senate bill 42, "An act to amend the Penal Code, and relating to trespass on enclosed lands," was taken up, read second time, and on motion, of Senator Gooch, first committee amendment adopted.

Senator Johnson of Collin, offered the following substitute for second committee amendment:

Strike out the words "and shall carry a gun thereon and shall catch fish from water thereon," and insert, viz.: "and shall hunt thereon with firearms or dogs, or who shall catch fish from water thereon, or interfere with the fish in such water in any manner."

Adopted.

Substitute made part of the bill, and bill ordered engrossed.

Senator Fowler, for Committee on Enrolled Bills submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 9, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 38, being "An act to diminish the civil jurisdiction of the county court of Morris county, and to conform the jurisdiction of the district court to such change," and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, for Committee.

COMMITTEE ROOM,  
AUSTIN, February 9, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 81, being "An act to prevent certain county officers, their deputies and employees, from purchasing property at tax sales," and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, for Committee.

COMMITTEE ROOM,  
AUSTIN, February 9, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 34, being "An act to amend article 240, of title 8, chapter 6, of the first section of an act entitled 'an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas,' passed February 21, 1879," and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, for Committee.

Senator Davis, for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 35, entitled "An act to amend articles 4758, 4759, 4759a, and to create article 4759d, chapter 4, title 95, of the Revised Civil Statutes," and several other bills (Senate bills Nos. 73 and 75), having for their object the extension of the time for the redemption of lands heretofore purchased by the State at delinquent tax sales, have carefully examined the same, and instruct me to report the accompanying substitute for all of said bills, and recommend that such substitute do pass.

All of which is respectfully submitted.

DAVIS, for Committee.

House bill No. 22, "An act to authorize and require the county commissioners' courts of the several counties in the State to provide for the payment of all claims due teachers of public free schools, audited as valid claims under acts of

the Legislature of Texas, approved August 7, 1876, or April 22, 1879," was taken up in regular order, and read second time.

Senator Cooper offered the following amendment:

Amend by adding to section 2 as follows: "Provided, that where the inhabitants of any school district, where the tax provided for by the acts of this Legislature, referred to in section 1 of this act, have paid the claims due by such district under said laws, such inhabitants shall be exempt from the operation of the provisions of this law."

Adopted.

Senator Davis offered the following amendment:

Amend the caption and bill so as to add "or should have been audited under said acts."

Senator Davis moved to postpone the consideration of the bill, to take up Senate bill No. 46, of like import.

The Senate refused to postpone.

On motion of Senator Peacock, the bill was recommitted to Committee on Education.

In the journal of Wednesday, the seventh inst., on page 109, where Senator Terrell moved to take up House bill 190, etc., it should have been substitute for House bills Nos. 95 and 190, entitled "An act to provide for the purchase of a site for, and the establishment, location and construction of, a branch asylum in North Texas, for the care and treatment of the insane, and to make an appropriation therefor."

It was taken up on Senator Terrell's motion, and made the special order for next day, (the eighth inst.) and to be continued from day to day until disposed of.

A message was received from the House, announcing the passage of Senate bill 39, "An act to amend articles 314 and 315, chapter 3, title 9, of the Penal Code of the State of Texas," with an amendment.

House bill No. 340, entitled "An act making an appropriation for the deficiency in the amount appropriated for public printing for the year beginning February 28, 1882, and ending February 28, 1883," was taken up, read second time, and passed to third reading.

Senator Davis moved to suspend the constitutional rule, and put bill on its third reading.

Adopted by the following vote:

YEAS—21.

Collins,	Harris,	Matlock,
Cooper,	Houston,	Peacock,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Jones,	Shannon,
Fowler,	King,	Terrell,
Gooch,	Martin,	Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

Collins,	Houston,	Peacock,
Cooper,	Johnson of Collin,	Pope,
Davis,	Johnston of Shelby,	Randolph,
Evans,	Jones,	Shannon,
Farrar,	King,	Stratton,
Fowler,	Martin,	Terrell,
Gooch,	Matlock,	Traylor.
Harris,		

NAYS—none.

House bill No. 20, entitled "An act to amend article 4411 of the Revised Civil Statutes of the State of Texas," was taken up and read second time.

On motion of Senator Davis, the report of the committee was adopted, and the bill was ordered to lie on the table until Senate bill No. 138 is disposed of.

Senate bill No. 126, entitled "An act amendatory of title 83, and of the supplement thereto, of the Revised Civil

Statutes," (the amendments to the quarantine law), was taken up, read third time and passed by the following vote:

YEAS—23.

Collins,	Houston,	Patton,
Cooper,	Johnson of Collin,	Peacock,
Davis,	Johnston of Shelby,	Pope,
Evans,	Jones,	Randolph,
Farrar,	King,	Stratton,
Fowler,	Kleberg,	Terrell,
Gooch,	Martin,	Traylor.
Harris,	Matlock,	

NAYS—none.

Senate bill No. 1, entitled "An act amending section 570 of the Revised Civil Statutes, on private corporations," was taken up, with substitute of committee, and read second time.

On motion of Senator Davis, the committee substitute was adopted.

Senator Terrell offered the following amendment:

Add to article 556 the following: "Provided, that no private corporation shall own, as such, exceeding 640 acres of land in this State."

On motion of Senator Pope, the pending bill was postponed until Monday next, and ordered printed.

Senator Jones moved to adjourn until Monday at 10 o'clock.

Lost.

On motion of Senator Collins, the Senate adjourned until 10 o'clock a. m., to-morrow.

## TWENTY-EIGHTH DAY.

SENATE CHAMBER, }  
AUSTIN, February 10, 1883. }

Senate met pursuant to adjournment.

President pro tem., Hon. A. W. Houston, in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Peacock, the reading of the journal of yesterday was dispensed with and the same adopted.

On motion of Senator Kleberg, Senator Patton was excused, on account of important business.

On motion of Senator Fowler, Senator Perry was excused until Monday, on account of pressing business.

On motion of Senator Pope, Senator Davis was excused until Monday, the nineteenth instant, in consequence of important business.

On motion of Senator Fowler, the Postmaster was excused for the day, on account of sickness.

Senator Kleberg presented a petition of the New York, Texas and Mexican Railway Company, asking the issuance of land certificates for the construction of certain portions of their road.

Referred to Committee on Public Lands.

The President gave notice of the signing of House bill No. 34, entitled "An act making an appropriation for the deficiency in the amount appropriated for public printing for the year beginning February 28, 1882, and ending February 28, 1883."

Senator Jones presented a petition from citizens of Houston, in Harris county, asking for legislation to prevent railroads from obstructing roads and streets.

Referred to Committee on Internal Improvements.

Senator Peacock presented a petition from citizens of Morris county, asking for the submission to the people of a constitutional amendment to the State Constitution prohibiting the manufacture, importation and sale of intoxicating liquors.

Referred to Committee on Constitutional Amendments.